

REMARKS

Claims 14-44 are pending in the application.

Claims 16-44 are withdrawn from consideration.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tan et al. (U.S. Patent No. 4,648,783), Kimura et al. (U.S. Patent No. 7,047,107 as reference to PCT publication WO 02/066210) and Dunbar et al. (U.S. Patent No. 4,795,998).

The Applicants traverse the rejections and request reconsideration.

Claims Rejections Under 35 U.S.C. 103(a)

Rejection of Claims 14 and 15 based on Tan et al., Kimura et al. and Dunbar et al.

The Applicants respectfully submit Kimura is a US patent that issued from a PCT application PCT/JP01/01304 that was published in Japanese. Since the Application that resulted in Kimura was not published in English, Kimura does not qualify as a prior art under section 102(e) as noted below:

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, **except that an international application filed under the treaty defined in section 351(a) shall have**

**the effects for the purposes of this subsection of an application filed
in the United States only if the international application designated
the United States and was published under Article 21(2) of such treaty
in the English language**

Therefore, the Kimura patent '107 does not qualify as a prior art under any section of 102. Turning to the Japanese PCT publication WO 02/066210, the Applicants note that this document was published on August 29, 2002. On the other hand, the present Application claims priority from JP 2002-209490 which was filed on July 18, 2002.

The Applicants respectfully submit a verified translation of the priority document '490, thereby establishing an invention date at least as early as July 18, 2002. Therefore, both Kimura and its corresponding PCT publication do not qualify as prior art to the present invention.

Since there are no other grounds for the rejection of the claims, they should be allowed.

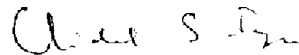
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Patent Application. No.: 10/521,549

Attorney Docket No.: Q85804

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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